

REMARKS

This Amendment addresses the Final Office Action dated June 30, 2009, and is being filed concurrently with a Request for Continued Examination (RCE). Accordingly, the Examiner is respectfully requested to enter and consider the amendments and remarks presented herein.

Independent claims 1, 8, 13 and 17 are amended to change "communication" to "short message service message" as supported by, for example, page 5 of the specification.

Claims 2-7, 11, 13, 17, 19 and 21 are further clarified to, for example, delete reference numerals and "means of" wording, and replace "it" with "the subscriber identity module." It is respectfully noted that these clarifications are not made for reasons related to patentability and the full range of equivalents should remain intact.

In the outstanding Action, claims 22-24 are rejected under 35 USC Section 101 as being directed to non-statutory subject matter. Claims 22-24 also are rejected under 35 USC Section 112, first paragraph, as not complying with the written description requirement. These claims are further rejected under 35 USC Section 112, second paragraph, because the claim wording "signal recorded on a tangible medium" is allegedly not defined in the specification.

Applicant respectfully traverses the above rejections. However, in the interest of advancing the prosecution of the subject application, claims 22-24 are cancelled without prejudice.

Claims 1-2, 4-9, 11-17, 19-22 and 24 are rejected under 35 USC Section 103(a) as being unpatentable over US Patent Publication 2002/011176 to Roeder in view of US Patent 6,480,593 to Munday. Lastly, dependent claims 3, 10, 18 and 23 are rejected under 35 USC Section 103(a) as being unpatentable over Roeder in view of Munday, and further in view of US Patent 5,742,668 to Pepe.

The above rejections are respectfully disagreed with, and are traversed below.

Roeder discloses a system for call forwarding, which includes a telephone subsystem operable to communicate with a telephonic device. The system also includes a

wireless subsystem operable to communicate with a mobile station. The mobile station is associated with the telephonic device. The system further includes a packet subsystem coupled to the telephone subsystem and the wireless subsystem. The packet subsystem is operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem. The packet subsystem is also operable to communicate the telephone call to the wireless subsystem for delivery to the mobile station (Abstract).

In paragraph [0030] cited by the Examiner, Roeder discloses that by forwarding telephone calls to mobile station 108 when mobile station 108 registers with system 100 and unforwarding telephone 110 when mobile station 108 deregisters with system 100, system 100 reduces or eliminates the need for a subscriber to manually forward and unforward telephone 110. This also reduces or eliminates the likelihood that the subscriber using mobile station 108 will forget to activate or deactivate the call forwarding feature. In addition, the subscriber using mobile station 108 may be contacted using a single telephone number and/or extension number.

Thus, the system of Roeder automatically activates and deactivates the telephone call forwarding feature depending on whether the mobile station is registered to the network or not.

Accordingly, it is respectfully asserted that Roeder does not disclose or suggest any "control feature of a divert facility" as recited in Applicant's independent claims 1, 8, 13 and 17. The Examiner even acknowledges at page 4 of the Action that Roeder does not disclose "a control feature of a divert facility."

Moreover, Roeder does not disclose or suggest wherein "a first communication device is equipped with at least a first identifier and a control feature of a divert facility, in order to control the divert facility concerning itself, and in which the short message service message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier" as recited in Applicant's independent claim 1 (emphasis added).

Nor does Roeder disclose or suggest a “control feature of a divert facility, in order to route a short message service message addressed to the communication device defined by a first identifier at least partly to a second communication device defined by a second identifier, said control feature of the divert facility being remote controllable.” (emphasis added).

Roeder also does not disclose or suggest “at least one wireless communication device equipped with a second identifier, to which at least an established part of a short message service message addressed to the said communication device equipped with a first identifier may be routed, and means belonging to the data communication network for implementing the operations relating to the divert facility” as recited in Applicant’s independent claim 13 (emphasis added).

Similarly, Roeder does not disclose or suggest a program product “in which by the control feature of the divert facility a short message service message from a data communication network addressed to the communication device can be set to be routed at least partly to at least one second communication device in the data communication network” as recited in Applicant’s independent claim 17 (emphasis added).

Roeder does not refer to any SMS messages at all.

There is no reason a person skilled in the art would modify the teachings of Roeder in an attempt to arrive at the afore-referenced subject matter recited in Applicant’s independent claims.

Mundy does not cure the shortcomings of Roeder and thus it is respectfully asserted that these references, whether viewed alone or in combination, do not disclose or suggest Applicant’s claimed subject matter.

Munday relates to a communication system, which automatically diverts calls when a user is not present. More particularly, Munday discloses that in a communications network telephone, a call divert, for calls directed to a local telephone from the local

telephone to a remote telephone is initiated by a computer system after the user has had no interaction with the computer system for a predetermined period of time. Thus, the user does not need to remember to manually initialize “call divert” before leaving the vicinity of the local telephone (See Abstract and columns 3-6 of Munday).

As in the case of Roeder, Munday does not disclose or suggest wherein “a first communication device is equipped with at least a first identifier and a control feature of a divert facility, in order to control the divert facility concerning itself, and in which the short message service message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier” as recited in Applicant’s independent claim 1 (emphasis added).

Nor does Munday disclose or suggest a “control feature of a divert facility, in order to route a short message service message addressed to the communication device defined by a first identifier at least partly to a second communication device defined by a second identifier, said control feature of the divert facility being remote controllable.” (emphasis added).

Munday also does not disclose or suggest “at least one wireless communication device equipped with a second identifier, to which at least an established part of a short message service message addressed to the said communication device equipped with a first identifier may be routed, and means belonging to the data communication network for implementing the operations relating to the divert facility” as recited in Applicant’s independent claim 13 (emphasis added).

Similarly, Munday does not disclose or suggest a program product “in which by the control feature of the divert facility a short message service message from a data communication network addressed to the communication device can be set to be routed at least partly to at least one second communication device in the data communication network” as recited in Applicant’s independent claim 17 (emphasis added).

Neither Munday nor Roeder refers to any SMS messages at all.

There is no reason a person skilled in the art would thus combine and modify the teachings of Roeder and Munday in an attempt to arrive at the afore-referenced subject matter recited in Applicant's independent claims.

Accordingly, for at least the above reasons, Applicant's independent claims 1, 8, 13 and 17 are patentable in view of the afore-cited references. Similarly, remaining dependent claims 2-12, 13-16 and 18-21 are patentable at least in view of their dependency from an allowable independent claim.

For completion, it is further respectfully noted that the addition of Pepe, which was cited by the Examiner in the rejection of Applicant's dependent claims 3, 10, 18 and 23, does not cure the shortcomings of Roeder and/or Munday and thus does not disclose or suggest Applicant's claimed subject matter.

That is, Pepe was cited by the Examiner as disclosing an "authenticating" feature. (see col. 6, lines 11-28 of Pepe). However, it is respectfully asserted that as in the case of Roeder and Munday, Pepe does not disclose or suggest the afore-recited features of Applicant's independent claims regarding Applicant's claimed control feature of a divert facility and SMS message routing.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, reconsideration and withdrawal of the objections and rejections is requested. A Notice of Allowance is therefore earnestly solicited.

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